

This is not the official court record. Official records of court proceedings may only be obtained directly from the court maintaining a particular record.

Karen Deaton v. L & S Family Entertainment, LLC

Case Number	10C02-2008-CT-000115
Court	Clark Circuit Court 2
Type	CT - Civil Tort
Filed	08/28/2020
Status	08/28/2020 , Pending (active)

Parties to the Case

Defendant L & S Family Entertainment, LLC

Attorney

Keith A Gaston

#706949, Lead, Retained

CRUSER MITCHELL NOVITZ SANCHEZ GASTON & ZIMET LLP

3077 East 98th Street

Suite 280

Indianapolis, IN 46280

317-816-0300(W)

Attorney

Bruce D. Jones

#2862429, Retained

Cruser, Mitchell, Novitz, Sanchez, Gaston & Zimet, LLP

3077 East 98th Street

Suite 280

Indianapolis, IN 46280

317-816-0300(W)

Attorney

Bradley Michael Owen

#3271132, Retained

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3077 E 98th Street, Suite 280

Indianapolis, IN 46280

317-816-0300(W)

Attorney

Rachel O. Webster

#3425149, Retained

Cruser Mitchell Novitz Sanchez Gaston & Zimet, LLP

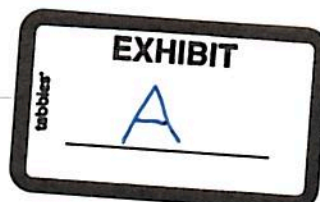
3077 E. 98th St.

Suite 280

Indianapolis, IN 46280

317-816-0300(W)

Plaintiff Deaton, Karen



Attorney

Brandon W. Smith
#2816522, Retained

Morgan & Morgan
426 Bank Street, Suite 300
New Albany, IN 47150
812-670-3313(W)

Chronological Case Summary

08/28/2020 **Case Opened as a New Filing**

08/28/2020 **Appearance Filed**

Appearance of Brandon Smith for Karen Deaton

For Party: Deaton, Karen

File Stamp: 08/28/2020

08/28/2020 **Complaint/Equivalent Pleading Filed**

Complaint

Filed By: Deaton, Karen

File Stamp: 08/28/2020

08/28/2020 **Subpoena/Summons Filed**

Summons to Capitol Corporate Services, Inc

Filed By: Deaton, Karen

File Stamp: 08/28/2020

08/28/2020 **Jury Trial Demand Filed**

Filed By: Deaton, Karen

File Stamp: 08/28/2020

09/28/2020 **Notice Filed**

Notice of Proof of Service

Filed By: Deaton, Karen

File Stamp: 09/28/2020

09/28/2020 **Appearance Filed**

Appearance of Keith Gaston, Bruce Jones, Bradley Owen & Rachel Webster for L&S Family Entertainment, LLC

For Party: L & S Family Entertainment, LLC

File Stamp: 09/28/2020

Financial Information

* Financial Balances reflected are current representations of transactions processed by the Clerk's Office. Please note that any balance due does not reflect interest that has accrued – if applicable – since the last payment. For questions/concerns regarding balances shown, please contact the Clerk's Office.

Deaton, Karen

Plaintiff

Balance Due (as of 09/29/2020)

0.00

Charge Summary

Description	Amount	Credit	Payment
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Description	Amount	Credit	Payment
Court Costs and Filing Fees	157.00	0.00	157.00

Transaction Summary

Date	Description	Amount
08/28/2020	Transaction Assessment	157.00
08/28/2020	Electronic Payment	(157.00)

This is not the official court record. Official records of court proceedings may only be obtained directly from the court maintaining a particular record.

STATE OF INDIANA)
COUNTY OF CLARK) SS:

CLARK COUNTY CIRCUIT COURT

CAUSE NO.:

KAREN DEATON

Plaintiff,

v.

L & S FAMILY ENTERTAINMENT, LLC

Serve Registered Agent:

Capitol Corporate Services, Inc.

9221 Crawfordsville Rd.

Indianapolis, IN 46234

Defendant

APPEARANCE BY ATTORNEY IN CIVIL CASE

This Appearance Form must be filed on behalf of every party in a civil case.

1. The party on whose behalf this form is being filed is:
Initiating ☒ Responding ☐ Intervening ☐; and

the undersigned attorney and all attorneys listed on this form now appear in this case for the following parties:

Name of party Karen Deaton, Plaintiff

Address of party (see Question # 6 below if this case involves a protection from abuse order, a workplace violence restraining order, or a no-contact order)

Telephone # of party _____

FAX: _____

Email Address: _____

(List on a continuation page additional parties this attorney represents in this case.)

2. Attorney information for service as required by Trial Rule 5(B)(2)

Name: Brandon W. Smith Atty Number: #28165-22

Address: Morgan & Morgan, 426 Bank Street, Suite 300, New Albany, IN 47150

Phone: (812) 670-3313

FAX: (812) 850-6875

Email Address: brandonsmith@forthepeople.com

(List on continuation page additional attorneys appearing for above party)

3. This is a CT case type as defined in administrative Rule 8(B)(3).

4. I will accept service from other parties by:

FAX at the above noted number: Yes ☐ No ☒

Email at the above noted number: Yes ☐ No ☒

5. This case involves child support issues. Yes ☐ No ☒ *(If yes, supply social security numbers for all family members on a separately attached document filed as confidential information on **light green paper**. Use Form TCM-TR3.1-4.)*

6. This case involves a protection from abuse order, a workplace violence restraining order, or a no – contact order. Yes ☐ No ☒ *(If Yes, the initiating party must provide an address for the purpose of legal service but that address should not be one that exposes the whereabouts of a petitioner.)* The party shall use the following address for purposes of legal service:

_____ Attorney's address

_____ The Attorney General Confidentiality program address

_____ (contact the Attorney General at 1-800-321-1907 or e-mail address is

confidential@atg.in.gov).

_____ Another address (provide)

7. This case involves a petition for involuntary commitment. Yes ☐ No ☒

8. If Yes above, provide the following regarding the individual subject to the petition for involuntary commitment:

a. Name of the individual subject to the petition for involuntary commitment if it is not already provided in #1 above:

b. State of Residence of person subject to petition: _____

c. At least one of the following pieces of identifying information:

(i) Date of Birth _____

(ii) Driver's License Number _____

State where issued _____ Expiration date _____

(iii) State ID number _____

State where issued _____ Expiration date _____

(iv) FBI number _____

(v) Indiana Department of Corrections Number _____

(vi) Social Security Number is available and is being provided in an attached confidential document Yes ____ No ____

9. There are related cases: Yes ____ No X (If yes, list on continuation page.)

10. Additional information required by local rule:

11. There are other party members: Yes ____ No X (If yes, list on continuation page.)

12. This form has been served on all other parties and Certificate of Service is attached:

Yes ____ No X

s/ Brandon W. Smith

Brandon W. Smith #28165-22

Morgan & Morgan

426 Bank Street, Suite 300

New Albany, IN 47150

812-670-3313 (t)

812-850-6875 (f)

brandonsmith@forthepeople.com

Counsel for Plaintiff

CAUSE NO.:

Defendant

Page 1 of 3

4. On or about the morning of March 14, 2020, Karen Deaton was a business invitee at Clarksville Strike & Spare using the roller skating rink.

5. Ms. Deaton was an experienced roller skater, and, at all relevant times, was skating within her range and ability, maintaining reasonable control of her speed and course, heeding all posted signs and warnings, maintaining a proper view, and otherwise skating in a reasonably safe manner exercising due care for her safety.

6. At all relevant times, in addition to common-law duties, Defendant, as an operator of a roller skating rink, owed Plaintiff duties pursuant to I.C. § 34-31-6-2, including (but not limited to) to maintain the skating surface in a proper and reasonably safe condition and to clean and inspect the skating surface before each skating session.

7. Known to Defendant but unknown to Ms. Deaton, Defendant had negligently and carelessly failed to clean the skating floor prior to opening, leaving trash and debris on the floor from the previous evening.

8. As a direct and proximate result of Defendant's negligence and breach of statutory duties, Ms. Deaton's skate struck an object on the floor, causing her to fall and sustain serious bodily injury.

9. As a direct and proximate result of her bodily injury, Plaintiff has and/or will incur in the future the following damages: medical bills and expenses, loss of income, pain, suffering, and inconvenience, and permanent impairment.

WHEREFORE, Plaintiff demands judgment in her favor against Defendant and compensatory damages, as shown by evidence, for the following: past and future medical and related expenses, past and future pain, suffering, inconvenience, loss of income, and permanent impairment.

Plaintiff further demands **TRIAL BY JURY**, judgment interest (where allowed by law), costs and expenses (where allowed by law), and any other relief the Court believes just and proper.

s/ Brandon W. Smith
Brandon W. Smith #28165-22
Morgan & Morgan
426 Bank St. STE 300
New Albany, IN 47150
812-670-3313 (t)
812-850-6875 (f)
brandonsmith@forthepeople.com
Counsel for Plaintiff

JURY DEMAND

Pursuant to TR 38(B), Plaintiff demands trial by jury on all triable issues.

s/ Brandon W. Smith
Counsel for Plaintiff

Page 1 of 2

Dated: 8/28/2020, 2020



Susan Pepp

Page 1 of 3

4. On or about the morning of March 14, 2020, Karen Deaton was a business invitee at Clarksville Strike & Spare using the roller skating rink.

5. Ms. Deaton was an experienced roller skater, and, at all relevant times, was skating within her range and ability, maintaining reasonable control of her speed and course, heeding all posted signs and warnings, maintaining a proper view, and otherwise skating in a reasonably safe manner exercising due care for her safety.

6. At all relevant times, in addition to common-law duties, Defendant, as an operator of a roller skating rink, owed Plaintiff duties pursuant to I.C. § 34-31-6-2, including (but not limited to) to maintain the skating surface in a proper and reasonably safe condition and to clean and inspect the skating surface before each skating session.

7. Known to Defendant but unknown to Ms. Deaton, Defendant had negligently and carelessly failed to clean the skating floor prior to opening, leaving trash and debris on the floor from the previous evening.

8. As a direct and proximate result of Defendant's negligence and breach of statutory duties, Ms. Deaton's skate struck an object on the floor, causing her to fall and sustain serious bodily injury.

9. As a direct and proximate result of her bodily injury, Plaintiff has and/or will incur in the future the following damages: medical bills and expenses, loss of income, pain, suffering, and inconvenience, and permanent impairment.

WHEREFORE, Plaintiff demands judgment in her favor against Defendant and compensatory damages, as shown by evidence, for the following: past and future medical and related expenses, past and future pain, suffering, inconvenience, loss of income, and permanent impairment.

Plaintiff further demands **TRIAL BY JURY**, judgment interest (where allowed by law), costs and expenses (where allowed by law), and any other relief the Court believes just and proper.

s/ Brandon W. Smith
Brandon W. Smith #28165-22
Morgan & Morgan
426 Bank St. STE 300
New Albany, IN 47150
812-670-3313 (t)
812-850-6875 (f)
brandonsmith@forthepeople.com
Counsel for Plaintiff

JURY DEMAND

Pursuant to TR 38(B), Plaintiff demands trial by jury on all triable issues.

s/ Brandon W. Smith
Counsel for Plaintiff

STATE OF INDIANA)
) SS:
COUNTY OF CLARK)

CLARK COUNTY CIRCUIT COURT

CAUSE NO. 10C02-2008-CT-000115

KAREN DEATON)
)
 Plaintiff,)
)
v.)
)
L & S FAMILY ENTERTAINMEN, LLC)
)
 Defendant)

NOTICE OF PROOF OF SERVICE

Plaintiff, by counsel, hereby gives notice that a copy of the Summons, Complaint, and Appearance were served upon Defendant in this case, listed below, by Certified Mail Return Receipt Requested on September 1, 2020, with signed green card received on or before September 10, 2020.

Capitol Corporate Services, Inc.
9221 Crawfordsville Road
Indianapolis, IN 46234

The signed green cards is attached to this Notice as Exhibit A.

Respectfully submitted,

s/ Brandon W. Smith
Brandon W. Smith, #28165-22
MORGAN & MORGAN
426 Bank Street, Suite 300
New Albany, IN 47150
(812) 670-3313 (t)
brandonsmith@forthepeople.com
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing was electronically filed via the Court's E-Filing System and serve via United States mail, postage prepaid on September 28, 2020 to the following:

Capitol Corporate Services, Inc.
9221 Crawfordsville Road
Indianapolis, IN 46234

s/ Brandon W. Smith
Counsel for Plaintiff

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Capito / Corporate Services, Inc.
 9221 Crawfordville Road
 Indianapolis IN 46234



9590 9402 5144 9122 2723 08

2. Article Number

7020 0640 0000 2104 1810

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Signature]
☒ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

File

3. Service Type
- ☐ Priority Mail Express
 - ☐ Registered Mail
 - ☐ Registered Mail Restricted Delivery
 - ☐ Adult Signature
 - ☐ Adult Signature Restricted Delivery
 - ☐ Certified Mail
 - ☐ Certified Mail Restricted Delivery
 - ☐ Collect on Delivery
 - ☐ Return Receipt for Merchandise
 - ☐ Signature Confirmation
 - ☐ Signature Confirmation Restricted Delivery
 - ☐ Restricted Delivery
4. Service Type
- ☐ Priority Mail Express
 - ☐ Registered Mail
 - ☐ Registered Mail Restricted Delivery
 - ☐ Adult Signature
 - ☐ Adult Signature Restricted Delivery
 - ☐ Certified Mail
 - ☐ Certified Mail Restricted Delivery
 - ☐ Collect on Delivery
 - ☐ Return Receipt for Merchandise
 - ☐ Signature Confirmation
 - ☐ Signature Confirmation Restricted Delivery
 - ☐ Restricted Delivery
5. Service Type
- ☐ Priority Mail Express
 - ☐ Registered Mail
 - ☐ Registered Mail Restricted Delivery
 - ☐ Adult Signature
 - ☐ Adult Signature Restricted Delivery
 - ☐ Certified Mail
 - ☐ Certified Mail Restricted Delivery
 - ☐ Collect on Delivery
 - ☐ Return Receipt for Merchandise
 - ☐ Signature Confirmation
 - ☐ Signature Confirmation Restricted Delivery
 - ☐ Restricted Delivery

Domestic Return Receipt

STATE OF INDIANA)
) SS:
COUNTY OF CLARK)
)
KAREN DEATON,)
)
 Plaintiff,)
)
 v.)
)
L&S FAMILY ENTERTAINMENT, LLC,)
)
 Defendant.)

IN THE CLARK CIRCUIT COURT
CAUSE NO. 10C02-2008-CT-000115

E-FILING APPEARANCE BY ATTORNEY IN CIVIL CASE**Party Classification:** Initiating ___ Responding X Intervening ___

1. The undersigned attorney and all attorneys listed on this form now appear in this case for the following party member(s):

DEFENDANT, L&S Family Entertainment, LLC

2. Applicable attorney information for service as required by Trial Rule 5(B)(2) and for case information as required by Trial Rules 3.1 and 77(B) is as follows:

Name: <u>Keith A. Gaston, Esq.</u>	Atty. Number: <u>7069-49</u>
Name: <u>Bruce D. Jones, Esq.</u>	Atty. Number: <u>28624-29</u>
Name: <u>Bradley M. Owen, Esq.</u>	Atty. Number: <u>32711-32</u>
Name: <u>Rachel O. Webster, Esq.</u>	Atty. Number: <u>34251-49</u>
Address: <u>Cruser, Mitchell, Novitz,</u>	Phone: <u>(317) 816-0300</u>
<u>Sanchez, Gaston & Zimet, LLP</u>	FAX: <u>(317) 816-1604</u>
<u>3077 E. 98th Street, Suite 280</u>	E-Mail: <u>kgaston@cmlawfirm.com</u>
<u>Indianapolis, IN 46280</u>	<u>bjones@cmlawfirm.com</u>
	<u>bowen@cmlawfirm.com</u>
	<u>rwebster@cmlawfirm.com</u>

IMPORTANT: Each attorney specified on this appearance:

- (a) certifies that the contact information listed for him/her on the Indiana Supreme Court Roll of Attorneys is current and accurate as of the date of this Appearance;
- (b) **acknowledges that all orders, opinions, and notices from the court in this matter that are served under Trial Rule 86(G) will be sent to the attorney at the email address(es) specified by the attorney on the Roll of Attorneys regardless of the contact information listed above for the attorney; and**
- (c) understands that he/she is solely responsible for keeping his/her Roll of

Attorneys contact information current and accurate, see Ind. Admis. Disc. R. 2(A).

3. This is a CT case type as defined in Administrative Rule 8(B)(3).
4. This case involves child support issues. Yes__No X
5. There are other party members: Yes__No X
6. This case involves support issues. Yes__No X
7. There are related cases: Yes__No X
8. This form has been served on all other parties. Certificate of Service is attached: Yes__No X
9. Additional information required by local rule:

Respectfully submitted,

CRUSER, MITCHELL, NOVITZ, SANCHEZ,
GASTON & ZIMET, LLP

/s/ Keith A. Gaston, Esq.
Keith A. Gaston, Esq., #7069-49

/s/ Bruce D. Jones, Esq.
Bruce D. Jones, Esq., #28624-29

/s/ Bradley M. Owen, Esq.
Bradley M. Owen, Esq., #32711-32

/s/ Rachel O. Webster, Esq.
Rachel O. Webster, Esq., #34251-49

*Counsel for Defendant,
L&S Family Entertainment, LLC*

CRUSER, MITCHELL, NOVITZ, SANCHEZ,
GASTON & ZIMET, LLP
3077 E. 98th Street, Suite 280
Indianapolis, IN 46280
(317) 816 0300
(317) 816 1604 (fax)

CERTIFICATE OF SERVICE

I certify that on September 28, 2020, I electronically filed the foregoing document using the Indiana E-Filing System (IEFS).

I also certify that on September 28, 2020, the foregoing document was served upon the following person via IEFS.

Brandon W. Smith, Esq.
MORGAN & MORGAN
426 Bank Street, Suite 300
New Albany, IN 47150

/s/ Bradley M. Owen, Esq. _____